

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-4-05

WHEREAS, **DEVON RAMCHARAN** applied to Community Zoning Appeals Board 8 for the following:

- (1) BU-2 To BU-3
- (2) Applicant is requesting to permit a lot area of 0.35 acre for used car sales and repairs (1 acre required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

SUBJECT PROPERTY: That portion of alley lying east and adjacent to Lot 9, bounded by the north of the north line of Lot 9, extended east, bounded by the south on the south line of Lot 9 extended east, bounded on the east by the west line of Lots 10-12 in Block 10 of PINEWOOD PARK, Plat book 6, Page 42 and all of Lots 10-12, Block 10 of PINEWOOD PARK, Plat book 6, Page 42, less the east 40' thereof for road right-of-way.

LOCATION: The Northwest Corner of N.W. 96 Street & N.W. 7 Avenue; AKA 9600 N.W. 7 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 8 that the requested district boundary change to BU-3 would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the request to permit a lot area of 0.35 acre for used car sales and repairs (Item #2) would not meet the standards of the alternative site development option zoning regulation, and would not promote the objectives of creative urban design, infill development and redevelopment

and/or preservation and enhancement of property values, and would contravene the public interest standards enumerated in such regulation, with the result that the public interest would not be served by the underlying zoning district regulations and the that the CDMP would not be commensurately served, and said application was denied by Resolution No. CZAB8-1-04, and

WHEREAS, **DEVON RAMCHARAN** appealed the decision of Community Zoning Appeals Board 8 to the Board of County Commissioners for the following:

- (1) BU-2 To BU-3
- (2) Applicant is requesting to permit a lot area of 0.35 acre for used car sales and repairs (1 acre required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

SUBJECT PROPERTY: That portion of alley lying east and adjacent to Lot 9, bounded by the north of the north line of Lot 9, extended east, bounded by the south on the south line of Lot 9 extended east, bounded on the east by the west line of Lots 10-12 in Block 10 of PINWOOD PARK, Plat book 6, Page 42 and all of Lots 10-12, Block 10 of PINWOOD PARK, Plat book 6, Page 42, less the east 40' thereof for road right-of-way.

LOCATION: The Northwest Corner of N.W. 96 Street & N.W. 7 Avenue; AKA 9600 N.W. 7 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 8 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the requested district boundary change to BU-3 would not be compatible with the neighborhood and area concerned and would be in conflict with the

principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the request to permit a lot area of 0.35 acre for used car sales and repairs (Item #2) would not meet the standards of the alternative site development option zoning regulation, and would not promote the objectives of creative urban design, infill development and redevelopment and/or preservation and enhancement of property values, and would contravene the public interest standards enumerated in such regulation, with the result that the public interest would not be served by the underlying zoning district regulations and the that the CDMP would not be commensurately served and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the grounds and reasons made by Community Zoning Appeals Board 8 in Resolution No.CZAB8-1-04 were insufficient to merit a reversal of the decision and that the appeal should be denied, and that the decision of Community Zoning Appeals Board 8 should be sustained, and

WHEREAS, a motion to deny the application without prejudice, to deny the appeal without prejudice, and to sustain the decision of Community Zoning Appeals Board 8 was offered by Commissioner Dorrin D. Rolle, seconded by Commissioner Katy Sorenson, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Dr. Barbara M. Carey-Shuler	aye	Dorrin D. Rolle	aye
Jose "Pepe" Diaz	aye	Natacha Seijas	aye
Carlos A. Gimmenez	aye	Katy Sorenson	aye
Sally A. Heyman	aye	Rebecca Sosa	aye
Barbara J. Jordan	absent	Sen. Javier D. Souto	absent

Chairperson Joe A. Martinez aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested district boundary change to BU-3 be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the request to permit a lot area of 0.35 acre for used car sales and repairs be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the appeal be and the same is hereby denied without prejudice and the decision of Community Zoning Appeals Board 8 is sustained.

BE IT FURTHER RESOLVED that Resolution No. CZAB8-1-04 remains in full force and effect.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 3rd day of March, 2005, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 03-11-CZ12-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By **KAY SULLIVAN**
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 14TH DAY OF MARCH, 2005.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-4-05 adopted by said Board of County Commissioners at its meeting held on the 3rd day of March, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 14th day of March, 2005.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL

